IN THE SUPREME COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION).

In re:

CHRISTIAAN HENDRIK . KREUNEN Plaintiff

versus.

CARL GEORGE KLIBBE

- and -

NEW APOSTOLIC CHURCH (AFRICA) Defendants.

TERMS OF SETTLEMENT AGREED UPON BETWEEN PLAINTIFF, DEFENDANTS and GEORGE HEINRICH WILHELM SCHLAPHOFF

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1. That the Church incorporated under Act 31 of 1909 (Transvaal) known as the New Apostolic Church (Africa) under the leadership of Apostle Carl George Klibbe did in the year 1915 sever all connection with and declared its independence from the New Apostolic Church, whose headquarters is in

in/

Germany which is subject to the jurisdiction of the Apostle College and Apostle Unity and under the leadership of Herman Niehaus of Quelle, Germany.

2. That the said Church under the leadership of Herman Niehaus through its duly authorised representative and Apostle of Africa namely Georg Heinrich Wilhelm Schlaphoff hereby recognises the independence of the Church in Africa conducted as aforesaid by the said Klibbe, and disclaims all right of interference therewith.

3. That by reason of the aforegoing the said Carl George Klibbe on behalf of himself and all the congregations in Africa under him abandons the right to the use of the name New Apostolic Church (Africa) hitherto used

by/

by him and his Church and the various congregations thereof, and retains the right to conduct and carry on the affairs of his Church whether it be continued as an incorporated association or otherwise under the style of "The Old Apostolic Church of Africa" or such other names as the responsible officers of the said Church may decide., provided it be clearly distinguishable from the name New Apostolic Church or New Apostolic Church (Africa).

This undertaking to take effect from 1st. June 1927.

4. That the said Schlaphoff in his capacity aforesaid shall be entitled on behalf of himself, his successors in office and those

persons now or hereafter recognising the said Schlaphoff as the Apostle and leader and representative in Africa of the New Apostolic Church of Germany to the sole use of the name New Apostolic Church or New Apostolic Church (Africa).

5. That it is agreed that the said Schlaphoff in his capacity aforesaid is entitled to and hereby does intervene in the action and acknowledges himself both personally and in his representative capacity as bound by the terms of this agreement as a party thereto, and that each of the said Churches shall have the right to carry on its affairs in South Africa or elsewhere without interference by the other.

6. The said Schlaphoff in his capacity aforesaid, and on his own behalf abandons all claims to the

property both movable and immovable in the possession and under the control of the said Klibbe and the various congregations under him.

7. That Carl George Klibbe is recognised as the Apostle of the Old Apostolic Church of Africa, having been according to the belief of his congregants and members duly ordained through Christ, and Georg Heinrich Wilhelm Schlaphoff is recognised as the Apostle and Head for Africa of the New Apostolic Church, whose headquarters is in Germany under the leadership of the Head Apostle or Apostle Eldest thereof, Herman Niehaus of Quelle, near Bielefeld, Germany, he having been duly ordained and sent to Africa by the said Herman Niehaus, in his capacity aforesaid.

8. The said Schlaphoff hereby declares that he is authorised to make this agreement so as to bind the said Apostle College and Apostle Unity hereto, and he undertakes to procure and deliver to the said Klibbe

or his representatives the written confirmation of the said authority. It is a condition precedent to the binding effect of this agreement that the said confirmation shall be so delivered within a reasonable time from the date hereof.

9. The Plaintiff, Christiaan Hendrik Kreunen, hereby identifies himself with the said Schlaphoff and the Church which he represents and declares himself bound by the terms of this agreement. He abandons all claims to the share of the presently existing New Apostolic Church (Africa), the second Defendant, and undertakes to transfer the same to the said Klibbe or his nominee, and the said Kreunen further abandons all claims made against the Defendants in the action.

10. The action is to be withdrawn, each side to pay its own costs, this agreement to constitute a full and final settlement of all disputes between the parties and all the parties hereto mutually release each other from all liabilities and actions arising prior to the date hereof.

11. That these terms of settlement be made an Order of Court.

12. That the said Order of Court shall be published at the joint expense of Plaintiff and Defendants once in a newspaper circulating in Johannesburg, Pretoria, Cape Town, Kimberley, Durban, Bloemfontein, East London, Port Elizabeth and Pietermaritzburg.

13. That the New Apostolic Church (Africa) presently incorporated under section 21 of the Companies Act (Transvaal) 31 of 1909 shall comply with all legal formalities so that same shall either be liquidated or struck off the register or have its name changed or dealt with in any other legal

manner not later than the 1st. day of June 1927 so that the said Georg Heinrich Wilhelm Schlaphoff in his capacity aforesaid shall be palced in such a position to enable the Church of which he is as aforesaid the Apostle for Africa to be registered or incorporated under any laws now or then in force under the name of New Apostolic Church (Africa)

Dated at Johannesburg this 16th. day of December, 1926.

in the presence of the subscribed witnesses.

(Sgd) C. H. Kreunen

PLAINTIFF.

For New Apostolic Church (Africa)

(Sgd) C.G. Klibbe.

(Sgd) C.G. Klibbe.

DEFENDANTS.

(Sgd) W. Schlaphoff.

in the presence of

(Sgd) M.Spitz,
c/o Louis Spitz,
Defendant's Attorney,
13/15 Sanderson's Bldgs,
Harrison & President Sts.,
JOHANNESBURG

(Sgd) A. J. Israel
c/o Israel & During.
Plaintiff's Attorneys
55/58 Meischke's Buildings,
Harrison & Market Streets,
JOHANNESBURG.